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8	BOARD OF REGISTERED NURSING	BOARD OF REGISTERED NURSING	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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12	915 Shorepoint Court, #E309		
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18	PARTIES		
19	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
20	official capacity as the Executive Officer of the Board of Registered Nursing, Department of		
21	Consumer Affairs.		
22	2. On or about July 20, 2009, the Board of Registered Nursing issued Registered Nurse		
23	License Number 755589 to Craig Lebern Jackson (Respondent). The Registered Nurse License		
24		was in full force and effect at all times relevant to the charges brought in this Accusation and will	
25	expire on January 31, 2015, unless renewed.		
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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
- 6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY/REGULATORY PROVISIONS

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.
 - 8. Title 16, California Code of Regulations, section 1442 states:

"As used in Section 2761 of the code, "gross negligence" includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life."

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTS

10. On or about July 23, 2011, Patient A¹ was admitted to Santa Clara Valley Medical Center (SCVMC) after a suicide attempt. Respondent was employed at SCVMC as a per diem registered nurse in the Acute Psychiatric Services unit and assigned to care for Patient A. Respondent admitted that he obtained Patient A's telephone number and birthdate, and telephoned and texted Patient A, approximately four to six times, after she was discharged.

On or about August 25, 2011, Patient A was admitted to SCVMC for a Welfare and Institutions Code section 5150 (24-hour hold) for psychiatric evaluation. Patient A informed the Director of Nursing that she wanted to be discharged because she was "uncomfortable" at the thought of seeing Respondent because he had telephoned and texted her several times. Respondent admitted that he was aware that contacting a patient in the way he did was against SCVMC policy. Respondent was terminated on August 25, 2011.

CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent has subjected his license to disciplinary action under Code section 2761, subdivision (a)(1) on the grounds of gross negligence, in that on or between July 23, 2011 and August 25, 2011, while employed as a registered (psychiatric) nurse in the Acute Psychiatric Services unit, Respondent obtained Patient A's telephoned number and birthdate and telephoned

¹ The patient's name will be released to Respondent pursuant to a request for discovery.

and texted Patient A approximately four to six times, after she was discharged. Respondent failed 1 to follow hospital policy and procedures regarding "professional behavior" with patients. 2 3 **PRAYER** 4 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this 5 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision: 6 Revoking or suspending Registered Nurse License Number 755589, issued to Craig 7 Lebern Jackson 8 2. Ordering Craig Lebern Jackson to pay the Board of Registered Nursing the 9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and 10 Professions Code section 125.3; 11 Taking such other and further action as deemed necessary and proper. 3. 12 13 SE R. BAILEY, M.ED., RN 14 Board of Registered Nursing 15 Department of Consumer Affairs State of California 16 Complainant 17 SF2012901051 18 90268817.doc 19 20 21 22 23 24 25 26 27 28 4